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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,550

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Joachim Damrath

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09/29/2008

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER

LAWRENCE JR, FRANK M

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

09/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,550	Applicant(s) DAMRATH ET AL.	
	Examiner Frank M. Lawrence	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-42, 45-52, 54-64, 66-70 and 75 is/are rejected.
- 7) ☒ Claim(s) 43, 44, 53, 65, 71-74 and 76 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/18/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 54 and 62-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 54 and 62 remain rejected for the phrases "said room" and "heat exchanger sorbent," discussed in the previous office action and not addressed in the amendment. Claims 63-66 are rejected for depending from a rejected parent claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 39, 40, 46-52, 55, 56, 59-63, 66, 67 and 75 are rejected under 35 U.S.C. 102(b) as being anticipated by the German reference (DE 3739145 A1).
5. DE '145 teaches a system for dehumidifying air from cooking exhaust in a room, comprising passing the air into a housing containing a bulk water vapor adsorbent (4) with a fan (6), regenerating the adsorbent with an embedded heater (8) while the fan operates at a reduced speed, condensing moisture from the air in a condenser (7) downstream from the adsorbent, collecting condensed water in a trough drain (10), and returning a portion of the air stream back

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to the room downstream of the adsorbent through a conduit (2). The condenser can be cooled by room air (see figure 3, English translation obtained on the EPO website).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 41, 42, 45, 57, 58, 64 and 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE '145 in view of the German reference (DE 10126842 A1).

8. DE '145 discloses all of the limitations of the claims except that there is a fat filter upstream from the adsorbent, an odor filter downstream from the fat filter, a preferred water sorbent, a fan for cooling the condenser, and that the sorbent is adhered to multiple porous carriers arranged in parallel or in series. DE '842 discloses a kitchen fume hood for drying exhaust air, comprising a vortex filter (1) and expanded metal layers (2) for capturing grease, a water sorbent filter (3) including zeolite, silica gel, or inorganic salts supported on a porous foam material, and a downstream odor filter (4) arranged in a housing.

9. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the dehumidifier of DE '145 by including a fat filter, an odor filter and a preferred moisture sorbent in order to provide a means for removing other substances present in cooking exhaust air, and a sorbent that is known to be useful in removing moisture. It would also have been obvious to use a supported sorbent in order to provide a high surface contact area with a low pressure drop, and to use multiple filters in series or parallel to provide a

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multiplication in the filter's effect. It is submitted that one skilled in the art would understand that the condenser requires some type of cooling device, and would have known to use a cooling fluid such as air supplied by a fan.

Allowable Subject Matter

10. Claim 43, 44, 53, 65, 71-74 and 76 and objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claim 54 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed July 10, 2008 have been fully considered but they are not persuasive. Applicant argues that the DE '145 reference fails to disclose regeneration at a second lower predetermined flow rate and instead discloses switching the blower completely off. It is submitted that DE '145 discloses either switching the blower off, or alternatively operating it at a significantly reduced capacity as disclosed in the instant specification. A machine translation of DE '145 has been used and contains the following passages:

- a. "In the regeneration enterprise the fan can become 6 simple disabled or at least in the capacity significantly reduced, since during switched on air heating mechanism 8 the free convection, in the embodiment represented here due to the sealing and temparture difference between absorber 5 and condenser 7, ensures for a rise water vapor/air mixture to the condenser 7." (col. 4, lines 2-10)

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b. “However by shutdown and/or. one can switch drastic achievement reduction of the fan and switching on of the air heating mechanism on thus from dehumidifying enterprise to regeneration enterprise, without any air returning mechanism would have to become operated.” (col. 2, lines 26-31)

c. “in the regeneration enterprise the fan disabled or in it power greatly reduced becomes.” (claim 2)

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank M. Lawrence/
Primary Examiner, Art Unit 1797

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